

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

1412 WEST 9<sup>TH</sup> AVENUE,  
SPOKANE, WASHINGTON,  
TOGETHER WITH ALL  
APPURTENANCES, FIXTURES,  
ATTACHMENTS, AND  
IMPROVEMENTS THERETO  
AND THEREUPON,

Defendant.

CV-06-248-AAM

Final Order of Forfeiture

Plaintiff, United States of America, alleged in a Verified Complaint for Forfeiture In Rem, that the defendant property is subject to forfeiture to the United States pursuant to 18 U.S.C. § 981 and 21 U.S.C. § 881.

The Court has jurisdiction over this matter by virtue of 28 U.S.C. §§ 1345 and 1355. Venue is proper pursuant to 28 U.S.C. § 1395.

The defendant property consists of real property located at 1412 West 9<sup>th</sup> Avenue, Spokane, Washington, and is legally described as follows:

Lot 12 in Block 43 of CANNON'S ADDITION as per plat thereof recorded in Volume "B" of Plats, Page 52;

Situate in the City of Spokane, County of Spokane, State of Washington.

Together with all appurtenances, fixtures, attachments, and improvements thereto or thereupon.

1 Real property records and a title report show that the property is owned by  
2 Dennis D. Lanfried, a single man, Borrower, subject to a Promissory Note secured  
3 by a Deed of Trust to the Bank of Fairfield, Lender.

4 On September 12, 2006, the United States Marshals Service posted copies  
5 of the Verified Complaint for Forfeiture In Rem, Notice of Complaint for  
6 Forfeiture, and Lis Pendens in the above-entitled matter on the Defendant real  
7 property, as evidenced by the U.S. Marshals Form USM-285 filed with the Court  
8 on September 12, 2006.

9 On September 12, 2006, Dennis D. Landfried was personally served with  
10 copies of the Verified Complaint for Forfeiture In Rem, Notice of Complaint for  
11 Forfeiture, and Lis Pendens, as evidenced by the U.S. Marshals Form USM-285  
12 filed with the Court on September 12, 2006. On September 14, 2006, Dennis D.  
13 Landfried filed a Claim. On April 6, 2007, the United States and Dennis D.  
14 Landfried, filed a Stipulation for Order of Forfeiture, wherein Dennis D. Landfried  
15 agreed to the forfeiture of the Defendant real property without further notice.

16 On November 29, 2006, Bank of Fairfield was served via certified mail with  
17 copies of the Verified Complaint for Forfeiture In Rem, Notice of Complaint for  
18 Forfeiture, and Lis Pendens in the above-entitled matter, as evidenced by the  
19 Certificate of Service of Notice by Mail filed with the Court on November 30,  
20 2006. On December 8, 2006, Bank of Fairfield filed a Claim and Answer. On  
21 March 13, 2007, the United States and Claimant, Bank of Fairfield, filed an  
22 Expedited Settlement Agreement.

23 The Notice of Complaint was published on September 21, 28 and on  
24 October 5, 2006, in the Cheney Free Press, a newspaper of general circulation in  
25 Spokane County, Washington, as evidenced by the USM-285 form filed with the  
26 Court on October 6, 2006. Rule C of the Supplemental Rules for Certain  
27 Admiralty and Maritime Claims, Fed. R. Civ. P., and 18 U.S.C. § 983(a)(4)(A),  
28 require that claimants file a claim within thirty (30) days after final date of

1 publication of the Notice of Complaint for Forfeiture, or within thirty (30) days  
2 after service of the complaint, whichever occurs first. At the latest this 30-day  
3 period expired on November 7, 2006. No other claims to the Defendant real  
4 property have been filed.

5 It appearing to the Court that record owner Dennis D. Landfried's interest in  
6 the Defendant real property has been resolved through the entry of the Stipulation  
7 for Order of Forfeiture, filed herein on April 6, 2007;

8 It also appearing to the Court that the interest of Claimant, Bank of  
9 Fairfield, has been resolved through the entry of the Expedited Settlement  
10 Agreement filed herein on March 13, 2007;

11 It further appearing to the Court that no other claims have been made to the  
12 defendant property;

13 IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the  
14 Defendant real property located at 1412 West 9<sup>th</sup> Avenue, Spokane, Washington, is  
15 hereby forfeited to the United States of America, and no right, title, or interest  
16 shall exist in any other person.

17 IT IS FURTHER ORDERED that the United States Marshals Service shall  
18 physically seize and take custody of the subject property, immediately evicting any  
19 occupants or tenants therein, unless occupancy agreements can be entered into  
20 with any existing tenants.

21 IT IS FURTHER ORDERED, pursuant to the Expedited Settlement  
22 Agreement filed by the United States and Claimant, Bank of Fairfield, that upon  
23 sale of the Defendant real property, the United States Marshals Service shall pay  
24 Claimant, Bank of Fairfield, the following amounts:

25 a. All unpaid principal due to Claimant, Bank of Fairfield, under  
26 the Promissory Note, ("hereafter, Note") dated September 30, 2002, which was  
27 secured by a Deed of Trust, dated September 30, 2002, and recorded on October 2,  
28 2002, in the official records of the Spokane County Assessor's Office, Recording

No. 4781086, and attached hereto as Exhibit A, that is \$181,168.54, as of November 29, 2006;

b. all unpaid interest, which totaled \$2,015.87 through September 29, 2006, and additional interest calculated at the base contractual rate (not the default rate) under the above Note assessed at \$39.7081 per diem, from September 30, 2006, until the date of payment; and,

c. any real estate taxes and/or casualty insurance premiums advanced by Claimant, Bank of Fairfield.

IT IS FURTHER ORDERED that the forfeited real property shall be disposed of in accordance with law by the United States Marshals Service.

IT IS FURTHER ORDERED that the District Executive is directed to enter this order, forward copies to counsel, and CLOSE the file.

DATED this 9<sup>th</sup> day of April, 2007.

s/ Alan A. McDonald

Alan A. McDonald  
Senior United States District Judge

Presented by:

James A. McDevitt  
United States Attorney

s/Jared C. Kimball

Jared C. Kimball  
Assistant United States Attorney